

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:20-MJ-108
	:	
APISIT LEWIS,	:	
<i>Defendant.</i>	:	
	:	

**DEFENDANT'S SECOND MOTION TO
CONTINUE PRELIMINARY HEARING**

NOW COMES Defendant, Apisit Lewis, by and through undersigned counsel, and requests this Honorable Court to continue the preliminary hearing currently set for May 27, 2020, to July 9, 2020. In support thereof, Defendant states as follows:

1. Defendant was arrested on March 19, 2020, to answer to a complaint charging him with smuggling goods into the United States, in violation of Title 18, United States Code, Section 545, possession/manufacturing of unregistered firearms, in violation of Title 26, United States Code, Section 5861 (a, d, f, I, k), and other offenses.
2. The Defendant was released on personal recognizance with conditions.
3. Federal Rule of Criminal Procedure 5.1(c) requires that a magistrate judge must hold a preliminary hearing no later than 21 days after Defendant's initial appearance if he is not in custody. However, it allows discretion to continue the preliminary hearing date for good cause shown.
4. Defendant previously filed an unopposed first motion to continue the preliminary hearing, which the Court granted on April 6, 2020. (Dkt. No. 17.) The preliminary hearing is currently set for May 27, 2020, at 2:00p.m.

5. This Second Unopposed Motion to continue the Preliminary Hearing is requesting a preliminary hearing date of July 9, 2020, at 2:00p.m.

6. Separately, a joint motion was filed, and the Court entered an order, extending the time period for filing an indictment against the Defendant to June 5, 2020, due to the ongoing public health crisis related to COVID-19. (Dkt. No. 15.) The Defendant expects that a second Joint Motion to Extend the time period for filing an indictment will be filed shortly.

7. In response to this on-going public health crisis related to the COVID-19, the Chief Judge for the Eastern District of Virginia signed General Order No. 2020-07, which, among other provisions, extended the time period for the suspension of all non-critical and non-emergency in-person proceedings in our Courthouses. *See also* General Order No. 2020-01 thru. 03. General Order No. 2020-12 further pushes non-emergency matters to June 10, 2020.

8. Additionally, the parties have engaged in early discussions about the nature of this case and the Government has provided limited discovery to the counsel to facilitate these discussions. The parties continue to discuss these matters, including possible resolutions.

9. Because this matter does not present a critical or emergency need for an in-person proceeding, and because Defendant does not otherwise waive his right to a preliminary hearing at this time, Defendant requests a continuance of the scheduled May 27, 2020, preliminary hearing.

10. The Government does not oppose this Motion.

11. To ensure compliance with Defendant's rights while also balancing the public health and safety needs during the current pandemic, Defendant submits that there is good cause to continue this preliminary hearing in accordance with the Court's General Order.

12. For these reasons, the Defendant respectfully requests that the preliminary hearing date be continued to May 27, 2020, or another date the Court finds suitable that is no earlier than July 9, 2020.

Dated: May 22, 2020

Respectfully Submitted,

Apisit Lewis
By Counsel

/s/
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CERTIFICATE

I hereby certify that on this 22nd day of May, 2020, I electronically filed the foregoing Motion to Continue Preliminary Hearing with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following counsel of record:

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